

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LEXIE ANDREA WAYNE,
Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
June 20, 2006

Petitioner-Appellee,

v

ANDREA WAYNE,

Respondent-Appellant.

No. 265892
Macomb Circuit Court
Family Division
LC No. 2003-050621-NA

Before: Kelly, P.J., and Markey and Meter, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). In the present case, the conditions leading to adjudication were respondent's mental state and arrest for assaulting her mother. Respondent submitted to a psychological evaluation, which diagnosed her as bipolar. Testimony regarding her behavior during visits and her own testimony at the termination hearing demonstrated that she continued to suffer from a mental disorder that affected her reasoning and her ability to provide proper care.

Respondent was also unlikely to rectify that problem in a reasonable time. She was clearly informed that she needed to undergo a new psychiatric evaluation, yet she admitted she never made an appointment. She also testified that she did not believe she had bipolar disorder, which suggested she was still opposed to medication and possibly therapy. There was clear and convincing evidence that the conditions leading to adjudication continued to exist and respondent was not reasonably likely to rectify them within a reasonable time. Therefore, the court did not

err when it found a statutory ground to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i).¹

The court also did not clearly err in its best interests determination. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). There is no specific burden on either party to present evidence of the child's best interests; rather, the trial court should weigh all evidence available. *In re Trejo, supra* at 354. Respondent and the foster care worker offered conflicting testimony regarding the child's bond with respondent. Regardless, the child needed a stable, secure home, which respondent could not provide. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991).

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Jane E. Markey
/s/ Patrick M. Meter

¹ The same evidence supported the lower court's finding under MCL 712A.19b(3)(g) that respondent failed to provide proper care and custody and was not likely to within a reasonable time because of her mental disorder. However, we need not address whether sufficient evidence also support the alternative statutory ground under MCL 712A.19b(3)(j). *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998).